

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JOHN MARK WHATLEY	§	
VS.	§	CIVIL ACTION NO. 1:12-CV-560
TEXAS BOARD OF PARDONS AND PAROLES, CHAIRMAN RIZZIE OWENS FOR THE STATE OF TEXAS	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, John Mark Whatley, an inmate formerly confined at the Cleveland Correctional Center in Cleveland, Texas, proceeding pro se, filed this declaratory judgment action pursuant to 28 U.S.C. §§ 2201, 2002 against defendants, the Texas Board of Pardon & Paroles and Chairman Rizzie Owens for the State of Texas.

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends defendants' motion to dismiss for failure to state a claim be granted.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

The Court finds plaintiff's objections lacking in merit. In *Teague v. Quarterman*, the Fifth Circuit analyzed the post-September 1, 1996 amendments to the mandatory supervision scheme. 482 F.3d 769, 775 (5th Cir. 2007). In this case, the Fifth Circuit stated explicitly that the post-September 1, 1996 addendum to the mandatory supervision scheme, "with its narrowly limited modicum of discretion," does not work to deprive all inmates of their constitutional expectancy of early release. *Id.* at 776.

ORDER

Accordingly, the objections of plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

**SIGNED** this the **10** day of **March, 2014**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge